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QUESTION OF PALESTINE
THE SITUATION IN THE MIDDLE EAST

SECURITY COUNCIL
Fifty-second year

Report of the Secretary-General

1. The present report is submitted in accordance with General Assembly resolution 51/26 of 4 December 1996 on the question of Palestine.

2. On 9 September 1997, the Secretary-General, pursuant to the request contained in paragraph 9 of resolution 51/26, addressed the following letter to the President of the Security Council:

> "I have the honour to refer to resolution 51/26, which the General Assembly adopted on 4 December 1996, at its fifty-first session, under the agenda item entitled 'Question of Palestine'.
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> "In paragraph 9 of the resolution the General Assembly requests the Secretary-General to continue his efforts with the parties concerned, and in consultation with the Security Council, for the promotion of peace in the region and to submit progress reports on developments in this matter.
>
> "In order to fulfil my reporting responsibilities under this resolution, I should be grateful if you would kindly convey to me the views of the Security Council by 6 October 1997."

3. On 18 September 1997, the following reply was received from the Security Council:

> "The Security Council is gravely concerned about the recent developments in the Occupied Territories and the region.
>
> "The Council calls upon the concerned parties to pursue the negotiations and to fulfil their obligations under the Agreements achieved. The Council continues to be determined to provide the needed backing to the

Middle East peace process, giving full support to the Agreements achieved as well as to the timely implementation of those Agreements."

4. In a note verbale dated 9 September 1997 to the parties concerned, the Secretary-General sought the positions of the Governments of Egypt, Israel, Jordan, Lebanon and the Syrian Arab Republic, as well as the Palestine Liberation Organization, regarding any steps taken by them to implement the relevant provisions of the resolution. As at 23 October 1997, the following replies had been received:

Note verbale dated 6 October 1997 from the Permanent Representative of Egypt to the United Nations addressed to the Secretary-General

"The adoption of resolution 51/26 in the General Assembly by an overwhelming majority constituted a reaffirmation of the strong commitment of the international community toward its content. The resolution has stressed several important principles pertaining to peace in the Middle East as well as the relevant United Nations resolutions and the principles of international law. Egypt fully supports those principles and will continue to work diligently with the parties with a view to reaching a final settlement of the question of Palestine through the achievement of the inalienable rights of the Palestinian people.

"Since the adoption of the above-mentioned resolution on 4 December 1996, the Middle East peace process has regrettably witnessed a series of setbacks, mostly owing to the lack of commitment of the Israeli Government toward the achievement of the ultimate goal of establishing comprehensive, just and lasting peace in the Middle East.

"While in paragraph 3 of the resolution the General Assembly stresses the necessity for the immediate and scrupulous implementation of the agreements reached between the parties, the international community has been, and continues to be, seized with a multitude of illegal unilateral actions by Israel that are in clear violation of the agreements reached. Those actions include attempts to alter the status and demographic composition of Jerusalem, the unprecedented increase in settlement activities throughout the occupied territory of the West Bank and Jerusalem, as well as the continued delay in implementing fully the provisions of the transitional agreement (with the exception of the part related to Al-Khalil).

"In that context, the ongoing construction of a new Israeli settlement in Jabal Abu Ghneim to the south of Occupied East Jerusalem has been of particular concern to the international community, as manifested in a number of General Assembly resolutions in both regular and extraordinary sessions. This act constitutes one of the major illegal unilateral measures undertaken by Israel with the aim of preempting the outcome of the final status negotiations. Egypt, as well as the whole international community, opposed this act and called for its halt and reversal. Regrettably, Israel, in blatant challenge to and contempt for the will of the international community, is still carrying on with the construction in Jabal Abu Ghneim.

"With regard to paragraph 8 of the resolution, concerning the importance for the United Nations to play a more active and expanded role in the current peace process, Egypt welcomes progress in this regard, in particular in socio-economic fields and other assistance to the Palestinian people. Egypt stresses the need to maintain the indispensable role of UNRWA in assisting the Palestinian refugees, and believes that the Agency should dispose of the necessary financial resources in order to fulfil this vital role.

"Egypt is of the view that, for the achievement of the peaceful settlement of the question of Palestine, it is crucial that the Israeli Government adhere to the basic principles upon which the Middle East peace process was started, namely, Security Council resolutions 242 (1967) and 338 (1973) and the principle of exchanging land for peace. Egypt is also of the view that Israel should commit itself to implementing the provisions of all agreements reached in good faith and without delay, in particular the withdrawal of its troops from areas B and C of the occupied West Bank. Achieving significant progress in the peace process must be based on refraining from undertaking unilateral measures that undermine the trust between the parties and make the final status negotiations nearly senseless. The international community represented by the United Nations should assume its responsibility in upholding these principles and ensuring respect for them."

Note verbale dated 13 October 1997 from the Permanent Observer of Palestine to the United Nations addressed to the Secretary-General

"General Assembly resolution 51/26 was adopted by an overwhelming majority (152-2-4), a reflection of the strong convictions of the international community with regard to the content of the resolution. The resolution recalls several principles of international law and the Charter of the United Nations, provides support for the peace process and implementation of the agreements reached and also provides the basis for the just settlement of the question of Palestine, the core of the Arab-Israeli conflict. The resolution also emphasizes the importance of a more active and expanded role for the United Nations in this process. As such, the resolution should serve as an acceptable basis for all parties to work on these important issues.

"In paragraph 2 of resolution 51/26, the General Assembly once again expresses its full support for the ongoing peace process, which began in Madrid, and the Declaration of Principles on Interim Self-Government Arrangements of 1993, as well as the subsequent implementation agreements, including the Israeli-Palestinian Interim Agreement on the West Bank and the Gaza Strip of 1995, and expresses the hope that the process will lead to the establishment of a comprehensive, just and lasting peace in the Middle East. In paragraph 3, the Assembly stresses the necessity for the immediate and scrupulous implementation of the agreements reached between the parties and the commencement of the negotiations on the final settlement.

"Since the adoption of resolution 51/26, the Middle East peace process has unfortunately deteriorated critically owing to the policies and actions of the Israeli Government, which appear to aim at burying the existing agreements between the parties. The transitional agreement has not been implemented, with the exception of the part related to Al-Khalil (Hebron), the negotiations on the final settlement have not been started and the economic and living conditions of the Palestinian people have dramatically deteriorated. Several tragic bombing attacks in West Jerusalem have also contributed to the exacerbation of the situation.

"As indicated in our note to the Secretary-General with regard to this resolution during the fifty-first session, the Israeli Government, since taking office, has adopted guidelines contradicting the letter and spirit of the agreements reached, made it clear that the timetable agreed upon would not be respected, resumed colonial settlement activities in the occupied territory and opened a tunnel in the vicinity of the Al-Aqsa Mosque in Occupied East Jerusalem. Since then, the Israeli Government has not closed the above-mentioned tunnel, in flagrant violation of Security Council resolution 1073 (1996), and has continued with, and even intensified, its colonial settlement activities, including the building of a new settlement in Jabal Abu Ghneim to the south of Occupied East Jerusalem. The Government has continued its drive to Judaize Jerusalem and to change its status and demographic composition.

"In the seventh preambular paragraph of resolution 51/26, the General Assembly affirmed the illegality of the Israeli settlements in the territory occupied since 1967 and of Israeli actions aimed at changing the status of Jerusalem. Further, the Assembly, in paragraphs 5 and 6, stressed the need for the realization of the inalienable rights of the Palestinian people, primarily the right to self-determination and the withdrawal of Israel from the Palestinian territory occupied since 1967, and the need for resolving the problem of the Palestine refugees in conformity with its resolution 194 (III) of 11 December 1948.

"The Palestinian side believes that the seventh preambular paragraph and paragraphs 5 and 6 are of great importance as they reflect established positions of the international community consistent with international law. The Palestinian side believes that the international community, represented by the General Assembly, should always uphold the principles of the Charter of the United Nations, international law, international humanitarian law and the validity of Security Council resolutions. As such, the Assembly has to uphold its positions in relation to the inalienable rights of the Palestinian people, and it should maintain its positions related to the elements of the final settlement (final status issues), including Jerusalem, settlements and refugees, with regard to which Israel has already created illegal de facto situations, until negotiations on those issues take place and the final settlement is effectively achieved.

"In paragraph 8 of the same resolution, the General Assembly emphasizes the importance for the United Nations to play a more active and expanded role in the current peace process and in the implementation of the Declaration of Principles. The Palestinian side welcomes the progress made

in this regard, especially in the fields of providing economic, social and other assistance to the Palestinian people. It welcomes in particular the work of the United Nations Special Coordinator in the Occupied Territories in the field of coordinating United Nations, as well as international, assistance to the Palestinian people. It also welcomes the transfer of the headquarters of the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA) to Gaza City and the presence of the Commissioner-General and his important contribution. It affirms the need for the continuation of the valuable and important work of UNRWA in other fields of operation outside the Occupied Palestinian Territory as well as the continuation of all field offices, including the field office in Jerusalem.

"The Palestinian side hopes that the United Nations will be involved in bringing the peace process back on track and in keeping it alive and in assisting in the achievement of serious progress in this regard. The involvement of the Security Council would also be a very important factor in the interest of the peace process. Indeed, the Council has contributed to the salvaging of the peace process by responding to some recent events in the Occupied Palestinian Territory, including Jerusalem, by adopting resolution 1073 (1996) of 28 September 1996 and before that by adopting resolution 904 (1994) of 18 March 1994 on the massacre in the Ibrahimi Mosque in Al-Khalil.

"Unfortunately, the Council was twice prevented from playing the same positive role and from discharging its responsibilities for the maintenance of peace and security as a result of the two vetoes exercised by the United States of America on 7 and 21 March 1997 on two draft resolutions dealing with the illegal Israeli settlement in Jabal Abu Ghneim. The two vetoes led to the convening of the tenth emergency special session of the General Assembly on illegal Israeli actions in Occupied East Jerusalem and the rest of the Occupied Palestinian Territory. The convening of the emergency special session indicated the determination of the membership of the United Nations to remain engaged and to adhere to the Charter of the United Nations and international law and to protect the Middle East peace process.

"The Palestinian side reiterates its appreciation to the Secretary-General for his substantial and accurate report presented pursuant to resolution ES-10/2 and, as it has in previous years, would like to underscore the request made by the General Assembly in resolution 51/26 for the Secretary-General to continue his efforts with the parties concerned, and in consultation with the Security Council, for the promotion of peace in the region and to submit progress reports on developments in this regard.

"Finally, the Palestinian side believes that for the peaceful settlement of the question of Palestine to be achieved through the current Middle East peace process, it is necessary to respect the basis upon which the process was initiated, namely, the principle of the return of land for peace and the implementation of Security Council resolutions 242 (1967) and 338 (1973). It is equally important for the parties to comply with the agreements reached and to implement those agreements in good faith and

without delay. Furthermore, all actions that violate international law, relevant Security Council resolutions and those agreements must be ceased completely. The international community, especially the co-sponsors of the peace process, have a great responsibility in this regard."

OBSERVATIONS

5. The stagnation of the Middle East peace process during the past year is disappointing. After prolonged and difficult talks, the protocol concerning the redeployment in Hebron, concluded on 17 January 1997, inspired the hope that confidence and mutual trust between Palestinians and Israelis would increase and create a positive environment for subsequent negotiations that could be successful. Regrettably, the start by Israel of construction of a settlement in Jabal Abu Ghneim/Har Homa to the south of East Jerusalem thwarted that positive trend and led to a dangerous and lengthy stalemate. Since then, I have submitted two reports (A/ES-10/6-S/1997/494 and Corr.1 and Add.1 and A/ES-10/6-S/1997/798 and Add.1) in this regard at the request of the tenth emergency special session of the General Assembly, which addressed Israeli actions.

6. I have been appalled by the horrifying terrorist bombings in Israel, which took the lives of innocent people. These despicable acts of terror have further shaken the confidence between Israelis and Palestinians and deepened the crisis in the peace talks. Terrorism, whatever its motivation, can never be justified and I condemn it unreservedly. It is the enemy of the Middle East peace negotiations that hold the expectations of millions. Violence of this kind can never advance any cause. I welcome and fully support measures being taken to combat terrorism. Enhancing the role of the United Nations in that regard is a part of my programme for reform.

7. The parties to the peace process bear responsibility for settling the Arab-Israeli conflict in a just and comprehensive manner in accordance with Security Council resolutions 242 (1967) and 338 (1973). The people of the Middle East have a right to live in peace, security and mutual respect and dignity. Attempts to avoid implementing in full and on time the agreements signed since 1993 or to undermine them can only postpone the fulfilment of those aspirations and weaken the peace process.

8. It is my earnest belief that both sides - Palestinians and Israelis - should do everything possible so that mutual trust is restored, peace negotiations are revitalized and steady progress is ensured through the transitional period, leading to a permanent settlement as envisaged by the Declaration of Principles on Interim Self-Government Arrangements (A/48/486-S/26560, annex). Courage, determination and commitment should guide the parties along that path. To that end, Israel should refrain from unilateral actions that have the effect of pre-empting the outcome of the talks and the Palestinian Authority should spare no effort in fighting terrorism effectively. I hope that the resumption of high-level meetings this autumn and the committee talks on outstanding issues will create momentum to get the Israeli-Palestinian talks back on track. Progress on the Israel-Syria and Israel-Lebanon tracks of

negotiations is also essential for achieving a comprehensive and durable peace in the region.

9. The United Nations will continue to support the peace process, politically and through the provision of economic and social assistance to the Palestinian people facilitated by the United Nations Special Coordinator in the Occupied Territories. Improving living conditions in the West Bank and Gaza is imperative for creating a favourable atmosphere for the peace process on the ground. In that connection, it is important that UNRWA be put on a sound financial footing so that the downgrading in its services to the Palestinian refugees can be avoided.